IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application No.: 09/897,237

Applicant: Mika Munenaka et al.

Filed: July 3, 2002

Title: Content Managing System,
Content Managing Apparatus,
and Content Managing Method

Examiner: Benjamin Ailes

Group Art Unit: 1795

Attorney Docket No. 09792909-5086

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. §41.37, Appellants submit this Main Brief on Appeal pursuant to the Notice of Appeal mailed on June 9, 2008 in the above-identified application.

I.   REAL PARTY IN INTEREST:

The real party in interest in the present appeal is the Assignee, Sony Corporation. The assignment was recorded in the U.S. Patent and Trademark Office at Reel 011962, Frame 0809.

II.   RELATED APPEALS AND INTERFERENCES:

Appellants are not aware of any related appeals or interferences.

III.   STATUS OF CLAIMS:

Claims 1-8, 10-17 and 19-26 are pending in the application. Claims 9, 18 and 27 are canceled.

The present appeal is directed to claims 1-8, 10-17 and 19-26 , which were finally rejected in an Office Action dated January 8, 2008.

A copy of claims 1-8, 10-17 and 19-26 is appended hereto as the Claims Appendix.

The status of the claims on appeal is as follows:

Claims 1-8, 10-17 and 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Angles et al. (U.S. Patent No. 5,933,811)("Angles")* in view of *Prust (U.S. Patent No. 6,735,623)("Prust")*.

IV.   STATUS OF AMENDMENTS:

All amendments have been entered in this application.

V.   SUMMARY OF CLAIMED SUBJECT MATTER:

Claims 1-8, 10-17 and 19-26 are currently pending. Claims 1, 10 and 19 are the only pending independent claims under consideration. Claims 2-8, 11-16 and 20-26 depend directly or indirectly from independent claims 1, 10 and 19. Independent claims 1, 10 and 19 are summarized below.

Claim 1:

It is possible that elements of claim 1 may be interpreted to invoke 35 U.S.C. §112, paragraph 6, as described below. Referring to Figure 1 as an illustrative example, claim 1 claims a content managing system having a content managing portion 1 (See, Specification Page 6, l. 14-25) . The content managing system comprises:

- A content library 11 for storing files of a plurality of contents provided by a content provider (See, Specification Page 6, l. 14-25).

- A library managing means for managing the content library 11. It is possible that the limitation library managing means may be interpreted to invoke 35 U.S.C. §112 paragraph 6. In this case, the library managing means is, for example, library managing server 12 (See, Specification Page 6, l. 14-25; Fig. 1).

- A customer file storing means for storing the file of a content of each user area 18 assigned to each user. It is possible that the limitation customer file storing means may be interpreted to invoke 35 U.S.C. §112 paragraph 6. In this case, the customer file storing means is, for example, customer file storage 13 (See, Specification Page 6, l. 14-25).

- A customer file managing means for managing the customer file storage 13. It is possible that the limitation customer file managing means may be interpreted to invoke 35 U.S.C. §112 paragraph 6. In this case, the customer file managing means is, for example, customer file managing server 14 (See, Specification Page 5, l. 26 - Page 6, l. 13).

- A content managing portion 1 is operated remotely by a terminal unit 4 which is connected to a content managing portion 1 through a network 3. (See, Specification Page 6, l. 14-25).

- The content managing portion 1 is operated remotely by a terminal unit of a user 2 through the network 3 so that when the user selects a content linked to a page published by the content provider through the network 3, the selected content is copied from the content library 11 to the area assigned for the user 18 (See, Specification Page 13, l. 16-24).

- The content managing portion 1 counts the period for which each content was stored or linked in each user area 18 and creates a database containing the counted values. (See, Specification Page 13, l. 1-13).

Claim 10:

It is possible that elements of claim 10 may be interpreted to invoke 35 U.S.C. §112 paragraph 6, as described below. Referring to Figure 1 as an illustration example, claim 10 claims a content managing apparatus comprising:

-content managing portion 1 having:

-a content library 11 for storing files of a plurality of contents provided by a content provider (See, Specification Page 6, l. 14-25);

A library managing means for managing the content library 11. It is possible that the limitation library managing means may be interpreted to invoke 35 U.S.C. §112 paragraph 6. In this case, the library managing means is, for example, library managing server 12 (See, Specification Page 6, l. 14-25; Fig. 1).

- A customer file storing means for storing the file of a content of each user area 18 assigned to each user. It is possible that the limitation customer file storing means may be interpreted to invoke 35 U.S.C. §112 paragraph 6. In this case, the customer file storing means is, for example, customer file storage 13 (See, Specification Page 6, l. 14-25).

- A customer file managing means for managing the customer file storage 13. It is possible that the limitation customer file managing means may be interpreted to invoke 35 U.S.C. §112 paragraph 6. In this case, the customer file managing means is, for example, customer file managing server 14 (See, Specification Page 6, l. 14-25).

-a communicating means performed by, for example, a communication interface 19 for connecting the content managing apparatus to a network 3. (See, Specification l. 26 - Page 6, l. 13);

-the content managing portion 1 is operated remotely by a terminal unit 4 which is connected to a content managing portion 1 through a network 3. (See, Specification l. 26 - Page 5, l. 25 - Page 6, l. 13);

-the content managing portion 1 is operated remotely by a terminal unit of a user 2 through the network 3 so that when the user selects a content linked to a page published by the content provider through the network 3, the selected content is copied from the content library 11 to the area assigned for the user 18 (See, Specification Page 13, l. 16-24);

-the content managing portion 1 counts the period for which each content was stored or linked in each user area 18 and creates a database containing the counted values. (See, Specification Page 13, l. 1-13);

Claim 19:

Referring to Figure 1 as an illustrative example, claim 19 claims a content management method of providing a content managing portion 1 having a library 11 and a customer file storage 13. (See, Specification Page 6, l. 14 - Page 8, l. 25).

The method includes the step of connecting the content managing portion 1 and a terminal unit 2 via a network 3. (See, Specification Page 6, l. 14 - Page 7, l. 19).

Also, the method further includes the step of operating the content managing portion 1 remotely by a terminal unit 2 through the network 3 such that when a user selects a content linked to a page published by the content provider 4, the selected content is copied from the content library 11 to the area assigned to each user 18. (See, Specification Page 10, l. 20 - Page 11, l. 9).

The content managing portion 1 counts the period for which each content was stored or linked in each user area 18 and creates a database containing the counted value. (See, Specification Page 13, l. 1 - 14).

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL:

The following ground of rejection is to be reviewed on appeal:

Claims 1-8, 10-17 and 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Angles et al. (U.S. Patent No. 5,933,811)("Angles")* in view of *Prust (U.S. Patent No. 6,735,623)("Prust")*.

VII. ARGUMENT:

As set forth below, claims 1-8, 10-17 and 19-26 are not rendered obvious under 35 U.S.C. §103 based on the teachings of various cited references. Appellants' respectfully submit the Examiner's assertions are incorrect as a matter of fact and law. Thus, for the reasons set forth below, Appellants' respectfully request that this Board reverse the rejections of claims 1-8, 10-17 and 19-26 under 35 U.S.C. § 103.

Claims 1-8, 10-17 and 19-26 are not unpatentable over *Angles* in view of *Prust*. Appellants' independent claim 1 recites a content managing system having a content managing portion comprising a content library for storing files of a plurality of contents provided by a content provider. A library managing means manages the content library. A customer file storing means stores the file of a content of each user to an area assigned to each user. A customer file managing means manages the customer file storing means. The content managing portion and a terminal unit of a user are connected through a network. The content managing portion is operated remotely by the terminal unit of the user through the network so that when the user selects a content linked to a page published by the content provider through the network, the selected content is copied or linked from the content library to an area assigned to the user. The content managing portion counts the period for which each content was stored or linked in each user area and creates a database containing the counted values.

Claims 10 and 19, similarly, claim subject matter relating to operating a content managing portion remotely by a terminal unit of a user through the network so that when the user selects a content linked to a page published by the content provider through the network, the selected content is copied or linked from the library to a user area in the customer file storage. The content managing portion counts the period for which each content was stored or linked in each user area and creates a database containing the counted values.

This is clearly unlike *Angles* in view of *Prust*, which fails to disclose or suggest counting the period for which each content is stored in or linked to in each user area. The Examiner argues that *Angles* 14:19-23 or 15:65-16:7 teaches this claimed subject matter. *Office Action of 7/10/07*, page 6. Appellants disagree. The cited passages from *Angles* describe that *Angles* keeps track of a variety of advertisement audio information, such as

> which advertisements are viewed by consumers, how often the advertisements are viewed, which consumers have viewed an advertisement, the number and type of advertisements a particular consumer has viewed, which content providers are requesting customized advertisements, the number and type of advertisements

which are being displayed by a particular content provider computer. *Angles* 16:1-7. Nowhere does *Angles* disclose or even fairly suggest counting the period content is stored or linked on a server in each user area.

Further, the Examiner argues that *Angles* discloses the recordation of audit information such as what content is viewed, how often the content is viewed, who has viewed the content and the number and type of the content viewed and that this audit information falls within the scope of counting the period for which information is stored or linked to in each user area. *Office Action of January 8, 2008*, Page 14, l.9-20. However, the audit information disclosed by *Angles* does not relate to the period which content is stored or linked to in each user area. Rather, the audit information in *Angles* relates to how and when information is accessed by a user at a single instance in time. *Angles* 16:1-7. Conversely, the audit information claimed by Applicants' relates to the period content is stored or linked to in each user area, which extends beyond a single instance the content is accessed to include the entire duration the content is stored or linked to in each user area. See, 2002/0073190, Para. [0043]. Appellants' respectfully submit the Examiner is incorrect is suggesting that information regarding when content is accessed in a single instance is within the scope of determining the period content is stored or linked in each user area.

Prust, similarly, fails to disclose or suggest counting the period for which each content is stored or linked in each user area and creates a database containing the counted values. Instead, *Prust* discloses creating virtual storage areas on a server which a client can gain access to remotely. See, U.S. Pat. No. 6,735,623, Col. 4, l.

Therefore, Appellants' respectfully submit that one having skill in the art would not have received a suggestion from *Angles* and *Prust* or any combination of them to count the period content is stored or linked in each user area.

For at least these reasons, *Angles* in view of *Prust* fails to disclose or suggest claims 1, 10 and 19.

Claims 2-8, 12-17 and 20-26 depend directly or indirectly from claims 1, 10 and 19 and are therefore allowable for at least the same reasons that claim 1, 10 and 19 are allowable.

Appellants respectfully submit the rejection has been overcome and request that the Board reverse the rejection.

VIII. CONCLUSION:

For the foregoing reasons, Appellants respectfully submit the rejections posed by the Examiner are improper as a matter of law and fact. Accordingly, Appellants respectfully request that the Board reverse the rejections of claims 1-8, 10-17 and 19-26 .

Respectfully submitted,

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1.   A content managing system having a content managing portion comprising:

a content library for storing files of a plurality of contents provided by a content provider;

library managing means for managing said content library;

customer file storing means for storing the file of a content of each user to an area assigned to each user; and

customer file managing means for managing said customer file storing means,

wherein said content managing portion and a terminal unit of a user are connected through a network,

wherein said content managing portion is operated remotely by a terminal unit of a user through the network so that when the user selects a content linked to a page published by the content provider through the network, the selected content is copied from said content library to the area assigned to the user, and

wherein said content managing portion counts the period for which each content was stored or linked in each user area and creates a database containing the counted values.

2. The content managing system as set forth in claim 1,

wherein the contents are advertisements.

3. The content managing system as set forth in claim 1,

wherein the content provider can freely change, replace, and delete the file of a content provided to said content library.

4. The content managing system as set forth in claim 1,

wherein said content managing portion counts the number of users who copied or linked the contents to their user areas and creates a database containing the counted values.

5. The content managing system as set forth in claim 1,

wherein said content managing portion counts the number of male users and the number of female users who copied their contents to their user areas and creates a database containing the counted values.

6. The content managing system as set forth in claim 1,

wherein said content managing portion counts the number of users in each age group who copied their contents to their user areas and creates a database containing the counted values.

7. The content managing system as set forth in claim 1,

wherein said content managing portion counts the number of clicks of each content copied or linked to each user area and creates a database containing the counted values.

8. The content managing system as set forth in claim 1,

wherein said content managing portion counts the clicked date and time of each content copied or linked to each user area and creates a database containing the counted values.

10. A content managing apparatus, comprising:

a content managing portion having:

a content library for storing files of a plurality of contents provided by a content provider,

library managing means for managing said content library,

customer file storing means for storing the file of a content of each user to an area assigned to each user, and

customer file managing means for managing said customer file storing means;

and

communicating means for connecting the content managing apparatus to a network,

wherein said content managing portion is operated remotely by a terminal unit of a user through the network so that when the user selects a content linked to a page published by the content provider through the network, the selected content is copied from said content library to the area assigned to the user, and

wherein the period for which each content was stored in each user area is counted and a database containing the counted values is created.

11. The content managing apparatus as set forth in claim 10,

wherein the contents are advertisements.

12. The content managing apparatus as set forth in claim 10,

wherein the content provider can freely change, replace, and delete the file of a content provided to said content library.

13. The content managing apparatus as set forth in claim 10,

wherein the number of users who copied or linked the contents to their user areas is counted and a database containing the counted values is created.

14. The content managing apparatus as set forth in claim 10,

wherein the number of male users and the number of female users who copied their contents to their user areas is counted and a database containing the counted values is created.

15. The content managing apparatus as set forth in claim 10,

wherein the number of users in each age group who copied or linked their contents to their user areas is counted and a database containing the counted values is created.

16. The content managing apparatus as set forth in claim 10,

wherein the number of clicks of each content copied or linked to each user area is counted and a database containing the counted values is created.

17. The content managing apparatus as set forth in claim 10,

wherein the clicked date and time of each content copied or linked to each user area is counted and a database containing the counted values is created.

19. A content managing method, comprising the steps of:

providing a content managing portion having:

a library for storing the files of a plurality of contents provided by a content provider; and

a customer file storage and a customer file storage system for assigning a user area for storing the file of a content of each user to the customer file storage;

connecting the content managing portion and a terminal unit of a user through a network, and

operating the content managing portion remotely by a terminal unit of a user through the network so that when the user selects a content linked to a page published by the content provider through the network, the selected content is copied or linked from the library to a user area in the customer file storage,

wherein the content managing portion counts the period for which each content was stored or linked in each user area and creates a database containing the counted values.

20. The content managing method as set forth in claim 19,

wherein the contents are advertisements.

21. The content managing method as set forth in claim 19,

wherein the content provider can freely change, replace, and delete the file of a content provided to the library.

22. The content managing method as set forth in claim 19,

wherein the content managing portion counts the number of users who copied or linked the contents to their user areas and creates a database containing the counted values.

23. The content managing method as set forth in claim 19,

wherein the content managing portion counts the number of male users and the number of female users who copied or linked their contents to their user areas and creates a database containing the counted values.

24. The content managing method as set forth in claim 19,

wherein the content managing portion counts the number of users in each age group who copied or linked their contents to their user areas and creates a database containing the counted values.

25. The content managing method as set forth in claim 19,

wherein the content managing portion counts the number of clicks of each content copied or linked to each user area and creates a database containing the counted values.

26. The content managing method as set forth in claim 19,

wherein the content managing portion counts the clicked date and time of each content copied or linked to each user area and creates a database containing the counted values.

EVIDENCE APPENDIX

Appellants do not submit additional evidence with this appeal brief and no additional evidence has been submitted during prosecution.

RELATED PROCEEDINGS APPENDIX

Appellants are not aware of any related appeals or interferences with regard to the present application.